

Appln No. 09/113,094
Amdt. Dated September 2, 2004
Response to Office action of July 8, 2004

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REMARKS/ARGUMENTS

Thank you for the Office Action dated 8 July 2004.

I have made some minor amendments to the claims to emphasise some features that I submit were already inherent in the existing claims, but which are critical to understanding how the invention differs from the cited art.

The present invention is concerned with capturing two images in a still camera in rapid succession. The first image is processed to determine color factors of the individual RGB color channels. These color factors are then used as the basis for color correction of the second image (see paragraphs starting page 12, line 39, through to page 13, line 2 and page 19, line 14).

It should be noted that the present invention is concerned with color correction, applied on a per channel basis. This was inherent in the use of the phrase "applying colour correction to said second image based on the determined colour characteristics of said first image" in claim 1. However, I have amended claim 1 to make it completely clear that per-channel color correction is what is intended by this language. Since it was inherent in the original language, I trust you can see that this amendment raises no new issues for your consideration.

I have also clarified that the second image is taken automatically, without further input from the user. Again, this feature was implicit in the original language, and adds no new matter.

Finally, I have clarified that the content of the second image is substantially identical to that of the first image, and removed the first user from the claim. You have indicated that there is no support for the first and second images being substantially identical to each other, and I believe the introduction of the word "content" reduces this issue. Also, the concept this terminology is seeking to cover is that two photographs are taken in quick succession, and the characteristics of the first image are used to color correct the second image. This is described at page 19, line 14. If the content of the first and second images is substantially the same, then color correcting one based on the other would make no sense. This would immediately be apparent to one skilled in the art upon reading the specification and claims. Accordingly, I respectfully submit that the specification adequately supports the concept of the two images having the same content as each other.

I have also made a minor amendment to page 19 to correct an obvious typographical error.

Turning to the citations, Ikeda is concerned with correcting exposure problems in cases, for example, where a foreground subject is underexposed compared to a background. This frequently happens in bright sunlight where the subject is in shade.

In the portion of the specification to which you refer explains that a first image is taken at normal exposure. The image is processed to extract luminance (ie, overall brightness) and chrominance signals (individual color channels), and the luminance is processed. A further image is taken at a different exposure (overexposure), and luminance is again extracted. In all the embodiments, the two luminance signals are somehow combined to generate a new luminance signal which is used to modify the original color channels. A number of methods for performing the combination of luminance signals are suggested.

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It is critical to note that Ikeda is solely concerned with brightness/contrast issues due to under- or over-exposure of portions of the original image. Ikeda's solution for this problem is to correct the brightness/contrast of the image via the different calculated luminances (which, it is important to note, contain no color specific information). As such, Ikeda is not concerned with per-channel color correction, as is the case in the present invention. Moreover, there is nothing to suggest that Ikeda even contemplates color correction by using the two captured images. I submit that Ikeda cannot, therefore, be considered relevant to the present invention as claimed.

I also disagree, for the reasons mentioned in earlier responses, that it would have been obvious to one skilled in the art to combine McIntyre with Ikeda.

The present application has gone through several responses and an RCE, and I am very interested in making progress to allowance. To help this, I propose to contact you immediately for a telephone interview in the event the present response is not considered successful.

Very respectfully,

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